

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

SERGIO T. JAMES,

Petitioner,

vs.

CIV 17-0360 JCH/ KBM

RAYMOND SMITH, Warden, and
HECTOR H. BALDERAS, Attorney
General for the State of New Mexico,

Respondents.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PARTIAL PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

The Magistrate Judge filed her Partial Proposed Findings and Recommended Disposition on November 13, 2017 (*Doc. 15*). The proposed findings notify Petitioner and Respondents of their ability to file objections within fourteen (14) days and that failure to do so waives appellate review. To-date, neither Petitioner nor Respondents have filed any objections and there is nothing in the record indicating that the proposed findings were not delivered.

Wherefore,

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Magistrate Judge's Partial Proposed Findings and Recommended Disposition (*Doc. 15*) is ADOPTED;
2. Grounds One, Two, and Four of Petitioner's Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 (*Doc. 1*) are dismissed **with prejudice**;

3. A certificate of appealability as to Grounds One, Two, and Four of Petitioner's Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 (Doc. 1) is DENIED;
4. Respondents shall submit a supplemental brief on Ground Three, specific to Case No. D-905-CR-2011-0383, within thirty (30) days from the entry of this Order. Petitioner shall be permitted to file a Reply no later than thirty (30) days from the date of filing of Respondent's supplemental brief.



John C. Brown
UNITED STATES DISTRICT JUDGE